

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-8 Erie
)
MICHAEL KOSTENIUK)

**MOTION TO EXTEND THE TIME FOR THE
FILING OF PRETRIAL MOTIONS**

AND NOW, comes the defendant, MICHAEL KOSTENIUK, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and respectfully moves this Honorable Court for an Extension of Time to File Pretrial Motions, and in support thereof sets forth as follows:

1. The defendant, Michael Kosteniuk, has been charged in a two-count indictment with violations of Title 18, U.S.C. §§ 2252(a)(2) and 2252(a)(4)(B); receipt of and possession of material depicting the sexual exploitation of a minor and receipt of obscene material.

2. Pursuant to an Order of Court dated June 17, 2005, certain types of pretrial motions are due on August 1, 2005.

3. Additional time is needed to complete counsel's investigation of the facts and law before informed decisions can be made concerning the filing of pretrial motions. Specifically, given the Court's denial of defendant's Motion to Reconsider Denial of a Motion to Compel Discovery, defense counsel has had to locate a new expert.

4. A new expert has been hired and must coordinate his schedule with the FBI to view the computer hard drive.

5. Counsel is unable to adequately prepare pretrial motions until the expert has had an opportunity to examine the hard drive and issue his findings.

6. Accordingly, counsel requests an additional ninety (90) within which to file pretrial motions.

WHEREFORE, defendant, Michael Kosteniuk, respectfully requests an extension of ninety (90) days to file pretrial motions.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton

Assistant Federal Public Defender

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